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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation,

No. 2:15-MD-02641-DGC

JOINT ESI STATUS REPORT

1 On August 31 and September 7, 2016, the Court held conference calls with the
2 Parties concerning the status of ESI. During the September 7, 2016 status call—and in a
3 Minute Entry of the same day—the Court noted that the Parties had reached agreement on
4 the ESI process, ordered that Defendants’ production be completed by September 30, 2016,
5 and ordered the Parties to provide the Court with a brief status report of the status of ESI
6 by September 23, 2016. In accordance with the Court’s instructions, the Parties provide
7 the following ESI status report:

8 To expedite document production of ESI from Defendants, the Parties agreed to a
9 process by which Defendants would produce documents primarily without “eyes-on”
10 review for relevancy while still performing a privilege review. As part of that process, on
11 September 9, the Parties submitted a proposed case management order (“CMO”) regarding
12 the protection of information and redaction of materials from Defendants’ expedited ESI
13 production. The Court entered the CMO on that subject on September 14. The parties have
14 subsequently engaged in negotiation regarding clarification of that CMO to make clear the
15 parties’ intent that the order does not require Plaintiffs to identify or describe the specific
16 intended use for any document or file that they notify Defendants they “intend to use”
17 pursuant to paragraph 4 of the CMO, e.g., Plaintiffs are not required to identify documents
18 before use at depositions. The parties are negotiating the particular language of the
19 clarification and intend to submit a proposed amended CMO by early next week.

20 Since the August 31 conference call, Defendants have collected and processed
21 terabytes of data from custodial and shared data sources. In addition, Defendants have, on
22 a rolling basis, produced hundreds of thousands of pages of documents and anticipate
23 producing hundreds of thousands of additional documents over the next week.

24 Since the September 7, 2016 status conference, the Parties have continued to work
25 cooperatively on ESI issues. They have agreed on search parameters using identified and
26 agreed keyword and fuzzy terms (subject to discussion as to whether there may need to be
27 some discrete additional terms run against the resulting non-responsive set) and are
28 producing documents using those terms; with the exception some specific folders from the

1 already-collected shared server locations which they are actively discussing, they have
 2 agreed on all sources and locations of ESI from which ESI is to be produced and are
 3 producing from those sources; and, they have agreed on the general parameters for testing
 4 of documents that did not hit on the agreed-upon keyword or fuzzy terms and are continuing
 5 to negotiate the specifics of such testing.

6 While the Parties continue to work cooperatively on this matter, in the event the
 7 Parties are unable to resolve any of the remaining issues, they will contact the Court to
 8 determine how it wants to resolve any such impasse.

9 DATED this 23rd day of September, 2016.

10 GALLAGHER & KENNEDY, P.A.

SNELL & WILMER L.L.P.

11 By: s/ Paul L. Stoller

By: s/ Matthew B. Lerner

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22 **CERTIFICATE OF SERVICE**

23 I hereby certify that on September 23, 2016, the foregoing was electronically filed
 24 with the Clerk of Court using the CM/ECF system which will automatically send email
 25 notification of such filing to all attorneys of record.

26
 27 s/ Deborah Yanazzo
 28 Deborah Yanazzo